



August 4, 2004 BZA

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0317

Kennedy Homes Inc., Jim Kennedy

Clover Hill Magisterial District
6812 Windy Creek Place

REQUEST: A five (5) foot Variance to the twenty-five (25) foot rear yard setback requirement for a single family dwelling in a Residential (R-9) District.

RECOMMENDATION

Recommend approval of this request for the following reasons:

- A. Variance will not impair the character of this residential area.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding area.
- C. Variance will not adversely affect the welfare or safety of persons residing on the premises or the neighborhood in general.

CONDITION

This Variance shall be for the proposed setback for the dwelling only as depicted on the plat attached to staff's report.

GENERAL INFORMATION

Location:

Property is known as 6812 Windy Creek Place. Tax ID 767-690-3602 (Sheet 11).

Existing Zoning:

R-9

Size:

.32 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-7; Residential
South - R-9; Vacant
East - R-7; Residential and Vacant
West - R-7; Vacant

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)

Residential
(2.51 to 4.0 units per acre)

DISCUSSION

The applicant is proposing to construct a dwelling twenty (20) feet from the rear property line (see attached site plan). The Zoning Ordinance requires a twenty-five (25) foot rear yard setback, therefore the applicant requests a five (5) foot Variance.

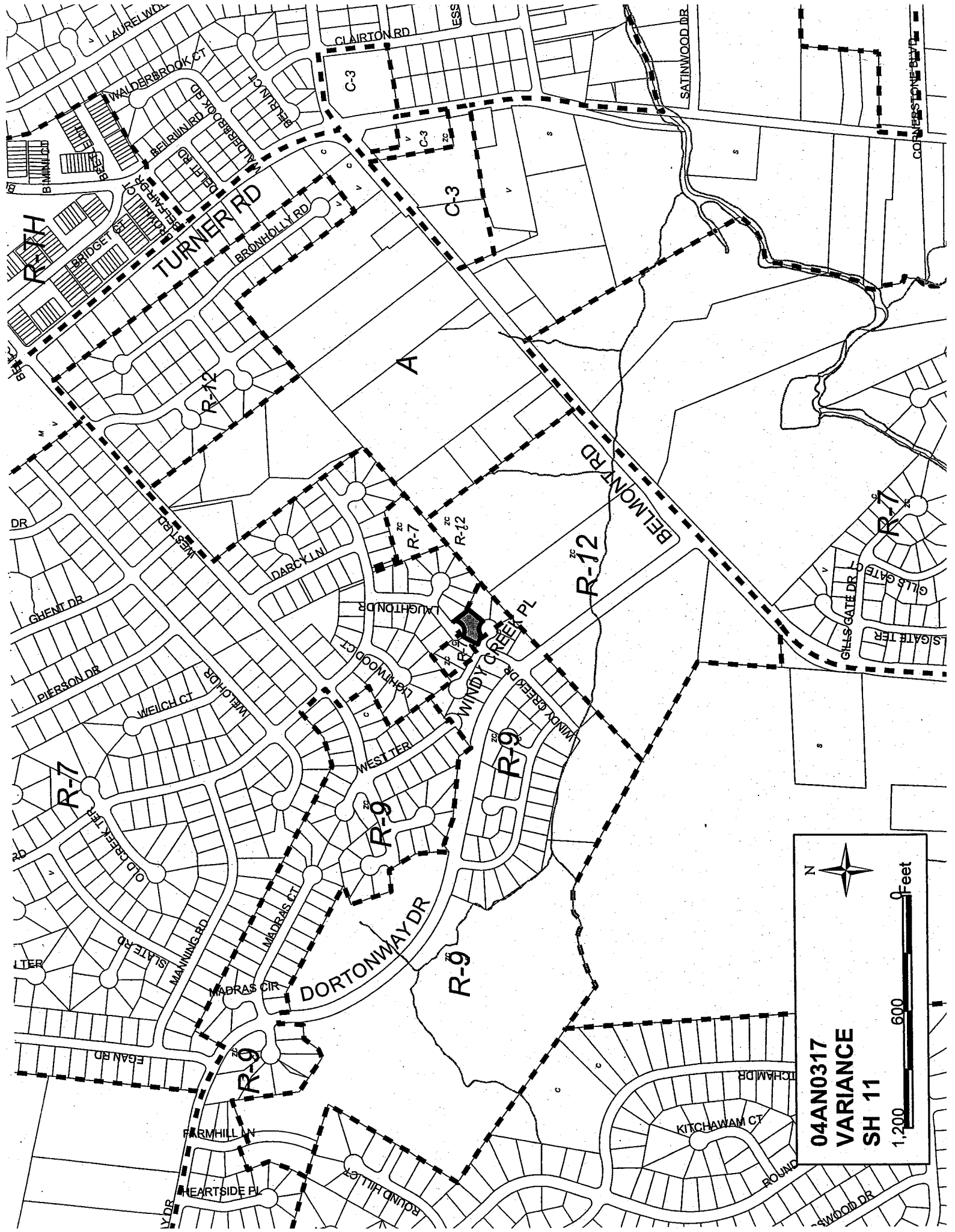
The applicant provides the following justification in support of this request:

This lot is for a single family residence. This request is required to increase the buildable area to allow construction of a house which is already under contract. The lot was represented with a twenty-five (25) foot setback off the right of way on the tentative construction plan and record plat. If the twenty-five (25) foot setback is taken off the buffer the lot will not fit the footprint of the house plan.

Staff has reviewed the attached site plan and the applicant's proposal. Staff notes that there is a cul-de-sac located to the rear of the subject property. Because of this cul-de-sac the property is unusually shaped creating a hardship for the applicant to meet the rear yard setback requirement.

applicant has also indicated there was a twenty (20) foot buffer. The twenty (20) foot buffer was reduced to ten (10) feet by the Director of Planning.

Staff believes that allowing the applicant to build a dwelling twenty (20) feet from the rear property line will not reduce or impair the value of the dwellings or property in the immediate or surrounding area and will not impair the character of this residential district; therefore, staff supports this request subject to the recommended condition.



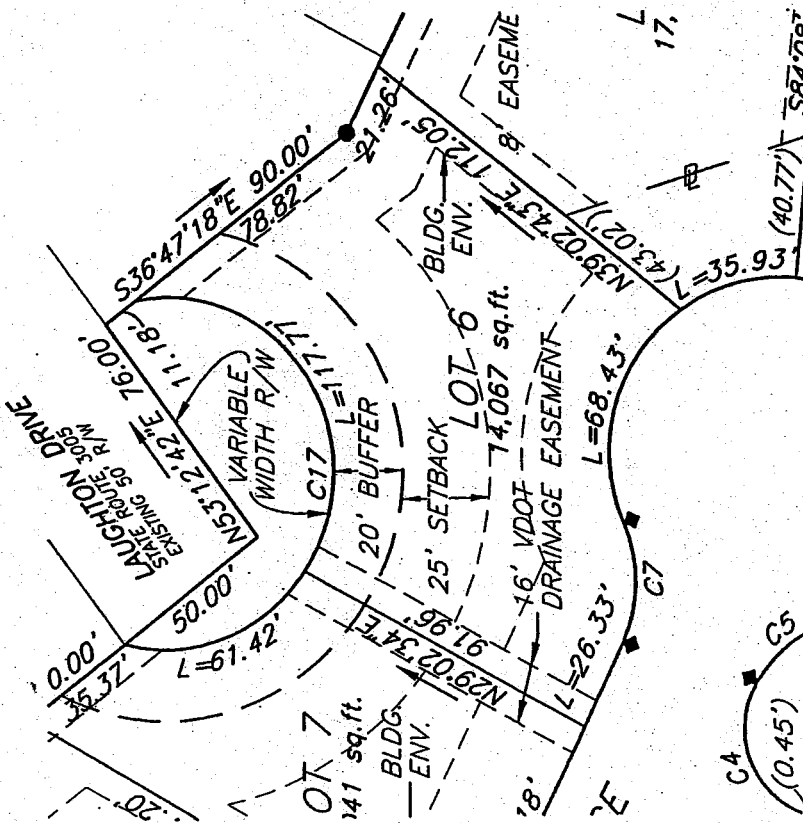
04AN0317
VARIANCE
SH 11

N

1,200 600 0 Feet



LOTS 6 PER COUNTY ORDINANCE



LOTS 6 W/ VARIANCE

